

Message Text

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C O N F I D E N T I A L NICOSIA 1671

E.O. 11652: GDS
TAGS: PGOV, PEPR, PINS, CY
SUBJECT: POSSIBLE REOPENING OF DAVIES CASE

REF: (A) NICOSIA 1640 (B) STATE 164014

1. WE HAVE NOW TAKEN LOW-KEY SOUNDINGS ON LEGAL TECHNICALITIES INVOLVED IN POSSIBLE REOPENING OF DAVIES CASE. TWO HIGHLY QUALIFIED SOURCES HAVE ADVISED US INFORMALLY THAT THERE ARE TWO IMPORTANT PRINCIPLES IN CYPRUS LAW WHICH ARGUE AGAINST REOPENING OF CASE. FIRST PRINCIPLE HOLDS THAT PERSON MAY NOT BE RETRIED FOR CRIME WHICH HE HAS ALREADY BEEN CONVICTED OR ACQUITTED. SECOND PRINCIPLE HOLDS THAT ANY JUDICIAL PROCEEDING MUST END AT SOME POINT. OUR SOURCES BELIEVE THAT BOTH THESE PRINCIPLES APPLY TO DEFENDANTS IN DAVIES CASE, I.E., TO REOPEN CASE WOULD VIOLATE PROSCRIPTION AGAINST DOUBLE JEOPARDY AND SUPREME COURTS DECISION CONSTITUTED "FINALITY OF PROCEEDINGS."

2. SOURCES ALSO POINTED OUT THAT CHARGES COULD BE BROUGHT AGAINST NEW DEFENDANTS IN DAVIES CASE IF NEW EVIDENCE WERE FOUND TO IMPLICATE NEW DEFENDANTS. HOWEVER, IT IS MOST UNLIKELY THAT NEW EVIDENCE WILL BE FOUND IN THIS CASE TO INCRIMINATE OTHER DEFENDANTS.
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THUS, WHILE ABC FILM WOULD HAVE BEEN VERY USEFUL AS EVIDENCE AGAINST ORIGINAL DEFENDANTS, ITS VALUE NOW IS DOUBTFUL.

3. WE UNDERSTAND THAT PRESIDENT KYPRIANOU CONSULTED WITH GOC ATTORNEY GENERAL TORNARITIS BEFORE HIS RECENT TRIP TO U.S. TO DETERMINE WHETHER THERE WAS WAY TO

REOPEN DAVIES CASE. TORNARITIS REPORTEDLY ADVISED
PRESIDENT THERE WAS NO LEGAL WAY.

4. FINALLY, OUR SOURCES MADE POINT THAT ATTORNEY
GENERAL'S OFFICE HAD MADE CONCERTED, GOOD FAITH EFFORT
TO CONVICT DAVIES CASE DEFENDANTS OF GREATEST CRIME
EVIDENCE WOULD SUPPORT. TO THEIR DISAPPOINTMENT,
DEFENDANTS HAD GOTTEN OFF LIGHTLY IN FINAL OUTCOME.
HOWEVER, TO ATTEMPT REOPEN CASE NOW, ESPECIALLY IN
VIEW OF LEGAL CONSIDERATIONS IN PARA 1 ABOVE, WOULD MAKE
ATTORNEY GENERAL APPEAR FOOLISH AND U.S. VINDICTIVE.

5. WE NOTE THAT ONE OF PROSECUTORS IN DAVIES CASE,
ALECOS EVANGELOU, IS NOW IN WASHINGTON ON TAX
NEGOTIATIONS MISSION. IF DEPARTMENT WOULD LIKE DISCUSS
CASE WITH HIM, HE CAN BE REACHED THROUGH CYPRUS DCM
ANGELIDES OF CYPRUS EMBASSY. EMBASSY HAS FOUND EVANGELOU MOST
HELPFUL.
STONE

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